

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, September 3, 2015**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: August 21, 2015**

**RE: Closed Session of the Board to be held on Thursday, September 3, 2015**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. CGK INC. DBA PREMIER STEEL FABRICATION, 13-R4D4-0518 AND 0519
2. DAVIDSON ENTERPRISES, INC., 14-R4D7-3738 THROUGH 3743
3. PAR ELECTRICAL CONTRACTORS INC., 14-R3D1-0310
4. REALTIME STAFFING SERVICES INC. DBA SELECT STAFFING, 12-R4D3-3687 THROUGH 3689
5. REGINO AMILCAR RODRIGUEZ, 14-R4D3-1423 THROUGH 1425

**PETITIONS FOR RECONSIDERATION:**

1. ACTION METAL RECYCLING, INC., 13-R2D2-1125 ~ 1126
2. CHARLES PANKOW BUILDERS, LTD., 13-R4D1-1759
3. NATHAN AHDOOT dba SUMMITRIDGE BEVERLY HILLS LLC, 12-R4D1-9154

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. MASTER ROOFING SYSTEMS, INC., 14-R1D1-3619
2. SECURITY PAVING COMPANY, INC., 14-R4D7-2442
3. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 11-R3D1-2562 ~ 2570
4. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 12-R3D1-0781

**ORDERS DISMISSING APPEAL:**

1. PENNYSaver USA PRINTING, LLC, 15-R3D3-1327 THROUGH 1329

**MATTERS INVOLVING LATE APPEALS:**

*(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)*

**ORDER DENYING LATE APPEAL**

1. BODEGA LATINA CORPORATION, 15-R4D4-9128

**ORDER GRANTING LATE APPEAL**

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**MATTERS PENDING RECONSIDERATION:**

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*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)
2. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662
3. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
4. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
5. DIONYSUS DREAM INC., DBA NEWPORT MESA CARWASH & SERVICE,  
15-R6D5-9087
6. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
7. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
8. GOLDEN STATE WARRIORS, 15-R1D4-9060
9. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
10. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
11. McCARTHY BUILDING CO., INC., 12-R1D4-3458
12. MCM CONSTRUCTION, INC., 13-R1D2-3851 THROUGH 3854
13. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
14. GONZALO OLASCOAGA DBA GONZALO OLASCOAGA, 13-R6D5-2097  
AND 2098
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. SKYLINE HOMES, INC., 15-R3D3-9035
17. TRI-STATE STAFFING, 12-R6D2-0378
18. UNITED PARCEL SERVICE, 14-R2D1-1779
19. W.A. RASIC CONSTRUCTION, INC., 13-R3D1-2952

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
3. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
4. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
5. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
6. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
7. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
8. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
9. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
10. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
11. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
12. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
13. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
14. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
16. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)

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17. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
18. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
19. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-  
80001749 (2008-R2D1-3414 THROUGH 3418)
20. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
21. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
22. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
23. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
24. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
25. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303  
THROUGH 1310)
26. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360  
THROUGH 3362)
27. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
28. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
29. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
30. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL  
(14-R3D2-1935 & 1936)
31. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
32. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR,  
15CV-00945 (08-R2D1-3093 ~ 3098)
33. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)

**APPELLATE COURT:**

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1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. ADVANTAGE RESOURCING NORTH AMERICA INC, 14-R2D1-4010
2. ALEXANDER BULBS, INC., 15-R6D2-2100 AND 2101
3. ALLEY AND CO. HEATING/AIR, INC., 14-R2D1-3675
4. AMCOR FLEXIBLES, 15-R4D4-0706 THROUGH 0708
5. AMERICAN NONWOVENS, 15-R4D4-2309 AND 2310
6. AMERI-SEAL, INC., 14-R4D3-3118
7. A.M.G. SEWING, INC., 15-R6D5-0962 THROUGH 0964
8. ANDRE ABOOLOIAN, MD., INC., 15-R4D1-1646 AND 1647
9. ARCHER INSTALLATIONS & SOLUTIONS, INC., 14-R4D1-2766
10. ARROTIN PLASTIC MATERIALS INC., 15-R3D3-1966
11. BROOKVALE INTERNATIONAL, 15-R3D5-2536
12. B W DRYWALL, INC., 15-R3D2-0865
13. CAL ROOFING, INC., 15-R3D1-0627 THROUGH 0630
14. CERUTTI & SONS TRANSPORTATION CO. INC., 14-R2D5-4058
15. CITISTAFF SOLUTIONS, INC., 15-R4D4-0059

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16. CITY OF ANAHEIM, ANAHEIM CONVENTION CENTER, 12-R3D1-2363
17. CKKM INC DBA DUCT PRODUCT, 15-R3D3-1867 THROUGH 1871
18. COSMETIC GROUP USA, INC., 15-R4D3-1034 AND 1035
19. COUNTY OF SAN DIEGO SHERIFF'S DEPT., 15-R3D2-1986
20. DELMAR VAN DAM DBA HIGH DESERT DAIRY, 14-R4D3-0419 THROUGH 0422
21. DOORS PLUS, INC., 15-R6D1-1972 AND 1973
22. DRILL TECH DRILLING AND SHORING INC, 14-R5D1-3543
23. EAST WHITTIER CITY SCHOOL DISTRICT, 15-R4D4-0468
24. EXXON MOBIL PIPELINE COMPANY, 14-R6D4-3544 AND 3545
25. FABRICA INTERNATIONAL, 14-R3D1-3135 AND 3136
26. FS PRECISION TECH LLC, 15-R6D2-0685 THROUGH 0690
27. GARFIELD BEACH LLC, 15-R3D3-2088
28. GAYTAN FOODS, 15-R4D4-0592 AND 0593
29. GRANITE DEPOT, 15-R6D5-2043 AND 2044
30. LOUIS C. GUEVARA DBA L L CHRISTOPHER MASONRY, 15-R6D5-2599 AND 2600
31. HAMSCO CONSTRUCTION, INC., 14-R4D3-2885 AND 2886
32. HAMSCO CONSTRUCTION, INC., 14-R4D3-2887 AND 2888
33. HEMME HAY AND FEED, INC., 15-R4D3-0938 AND 0939
34. HK2 OF ROWLAND HEIGHTS, LLC DBA HK2 FOOD DISTRICT, 15-R4D4-1145 AND 1146
35. BRENT HORNSBY, 15-R2D1-0370 THROUGH 0373
36. J&J SNACK FOODS OF CALIFORNIA, 15-R4D1-1776 AND 1777
37. J T WIMSATT, 14-R4D1-2339
38. KAJIKO NURSERY INC, 15-R6D1-1822 THROUGH 1827
39. KALIFORNIA BUSINESS STAFFING, INC., 14-R2D4-3704 AND 3705
40. JOSEPH KIRK DBA JOSEPH KIRK HOME SERVICES, 15-R6D7-1086 AND 1087

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41. LA CITY WATER & POWER, 14-R4D1-2923 THROUGH 2924
42. LAUSD DBA BELVEDERE MIDDLE SCHOOL, 15-R4D1-1074 THROUGH 1076
43. LINDEN STEEL & CONSTRUCTION, INC., 15-R2D3-2014 AND 2015
44. MENZIES AVIATION, 13-R4D1-2340 THROUGH 2343
45. MODULAR METAL FABRICATORS INC., 15-R6D2-1154 THROUGH 1157
46. KRISHLANI MULIA DBA KRIS CONSTRUCTION, 14-R6D7-3695 AND 3696
47. OLIVE VALLEY, INC., 15-R1D2-1205 AND 1206
48. PALEX METALS INC., 15-R6D1-1636 THROUGH 1638
49. PALM SPRINGS HOSPITALITY LLC DBA HARD ROCK HOTEL PALM SPRINGS,  
15-R3D3-1288 THROUGH 1293
50. PANJIA, INC. DBA PANJIA OUTDOORS, 15-R6D5-2429
51. PANNU DENTAL, 15-R1D2-2552
52. PHILLIPS 66 COMPANY (cited as PHILLIPS 66), 14-R6D4-2263
53. PHILLIPS 66 COMPANY (cited as PHILLIPS 66), 14-R6D4-2562 THROUGH 2565
54. QUARTZ OF SOUTHERN CALIFORNIA INC DBA QUARTZ DEALER DIRECT,  
14-R3D1-2976
55. RAMIRO LOERA MARTINEZ & ASSOCIATES, 15-R6D5-0895 THROGUH 0898
56. RAYMOND E ENKEBOLL DESIGNS, 15-R6D2-1978 AND 1978
57. ROBERTS CUSTOM ROOFING, 14-R3D2-1104
58. SAFEWAY, INC., 14-R2D4-3150 THROUGH 3153
59. SAVANT CONSTRUCTION, INC., 14-R3D1-3055
60. SG FRAMING, 14-R3D1-3157 THROUGH 3160
61. SHAPSIS CONSTRUCTION, INC., 15-R4D1-2415 THROUGH 2418
62. SIERRA PACIFIC INDUSTRIES, 15-R2D3-2173
63. STRATEGIC MATERIALS INC, 14-R2D1-3676
64. SWIFT PORK COMPANY (previously JBS USA LLC), 15-R4D4-0704 AND 0705



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- 65. THE PARTY CONCIERGE, INC., 14-R2D1-3170
- 66. THERMO POWER INDUSTRIES, 14-R3D5-2957
- 67. TI SPECIALTIES, 14-R3D1-2953
- 68. TROON GOLF, LLC, 15-R3D3-2435
- 69. TSUKURU USA CORP., 14-R3D5-1384
- 70. T & T TRUCKING INC., 13-R3D3-1754 THROUGH 1756
- 71. UC LOS ANGELES DEPT OF CHEMISTRY AND BIOCHEMISTRY, 15-R4D1-0943
- 72. UPS REGIONAL AIR HUB, 15-R4D4-0404
- 73. VALLEYCREST TREE CARE SERVICES, INC., 14-R3D3-3117
- 74. WASHINGTON IRON WORKS, 15-R3D2-1251 AND 1252
- 75. WEKA INC., 14-R3D3-3330
- 76. WINDSOR GARDENS CONVALESCENT HOSPITAL INC., 15-R3D5-1511
- 77. WM. BOLTHOUSE FARMS, INC., 15-R4D7-2486
- 78. WRIGHT ELECTRIC, 15-R2D3-2530

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.